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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,536	06/24/2003	Mark Matthew Shellhammer		5755
	7590	03/21/2005		
Mark M. Shellhammer 135 Hall St. Clarksburg, WV 26301			EXAMINER HSIEH, SHIH YUNG	
			ART UNIT 2837	PAPER NUMBER

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/601,536

Examiner

Shih-yung Hsieh

Applicant(s)

SHELLHAMMER ET AL.

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 3/2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other detailed description of the invention not amended as required.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☒ C. Other formal drawings are required, and all structural limitations recited in the claims must be shown.
- ☐ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

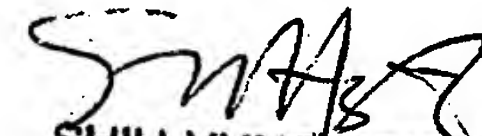
1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.


SHIH-YUNG HSIEH
PRIMARY EXAMINER

result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

<

Under 37 CFR 1.8, a person may state on certain papers directed to the Office (exceptions are stated in 37 CFR 1.8), the date on which the paper will be deposited in the United States Postal Service or transmitted by facsimile. If the date

Title: Ring Mute for Brass Musical Instruments

04/18/05

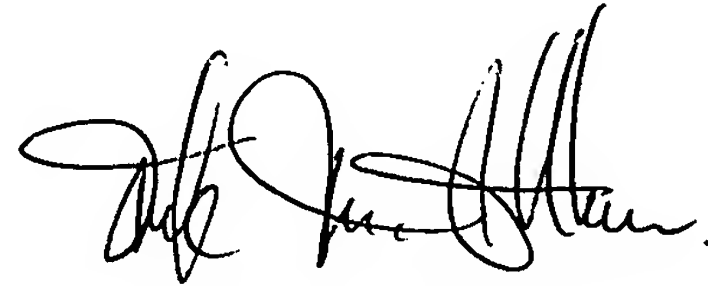
Application Number 10/601,536

Examiner: Shih-yung Hsieh

Art Unit 2837

Applicant(s) : SHELLHAMMER ET AL.

Thank you for your guidance and advice with our invention. Enclosed are the corrections you recommended and the Office Action Summary. Once again thank you for your assistance.

A handwritten signature in black ink, appearing to read "Mark M. Shellhammer". The signature is fluid and cursive, with a large initial "M" and "S".

Mark M. Shellhammer

A handwritten signature in black ink, appearing to read "Ellen Jane Shellhammer". The signature is cursive and elegant, with a long horizontal flourish at the end.

Ellen Jane Shellhammer

REPLACEMENT SHEET

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

In drawings forming a portion of the disclosure of this invention:

Figure One is a cut away view of the present invention attached to the bell rim of a brass musical instrument.

Figure Two is a three part view showing the dimensions of the present invention without a brass musical instrument.

Figure Three is an angled frontal view of the present invention attached to the bell rim of a brass musical instrument.

Figure Four is an angled rear view of the present invention attached to the bell rim of a brass musical instrument.

DELETED REPLACEMENT SHEET

~~(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).~~

~~FIGURE ONE~~

~~RING MUTE FROM VARIOUS ANGLES~~

~~A) Horizontal View of the Mute~~

- ~~—1. Opening~~
- ~~—2. Flexible Foam Urethane Ring .625 Inches Thick~~
- ~~—3. 1 Inch Wide Adhesive Tape Strip 9 Mils Thick, Attached to the Outer Section~~
~~—of the 1.25 Inch Wide Urethane Foam Ring~~
- ~~—4. Inner Area of the Ring Mute Showing the .25 Inch Deep Incision~~

~~B) Front View of Mute~~

- ~~—1. Opening~~
- ~~—2. Flexible Foam Urethane Ring .625 Inches Thick~~
- ~~—3. 1 Inch Wide Adhesive Tape Strip 9 Mils Thick, Attached to the Outer Section~~
~~—of the 1.25 Inch Wide Urethane Foam Ring~~
- ~~—4. Inner Area of the Ring Mute Showing the .25 Inch Deep Incision~~

~~C) Vertical View of the Mute~~

- ~~—1. Opening~~
- ~~—2. Flexible Foam Urethane Ring .625 Inches Thick~~
- ~~—3. 1 Inch Wide Adhesive Tape Strip 9 Mils Thick, Attached to the Outer Section~~
~~—of the 1.25 Inch Wide Urethane Foam Ring~~
- ~~—4. Inner Area of the Ring Mute Showing the .25 Inch Deep Incision~~

~~FIGURE TWO~~

~~Horizontal View of the Mute~~

- ~~—1. Opening~~
- ~~—2. Flexible Foam Urethane Ring .625 Inches Thick~~
- ~~—3. 1 Inch Wide Adhesive Tape Strip 9 Mils Thick, Attached to the Outer Section~~
~~—of the 1.25 Inch Wide Urethane Foam Ring~~
- ~~—4. Inner Area of the Ring Mute Showing the .25 Inch Deep Incision~~

~~FIGURE THREE~~

~~Front View of Mute~~

- ~~—1. Opening~~
- ~~—2. Flexible Foam Urethane Ring .625 Inches Thick~~
- ~~—3. 1 Inch Wide Adhesive Tape Strip 9 Mils Thick, Attached to the Outer Section~~
~~—of the 1.25 Inch Wide Urethane Foam Ring~~
- ~~—4. Inner Area of the Ring Mute Showing the .25 Inch Deep Incision~~

~~FIGURE FOUR~~

~~Vertical View of the Mute~~

- ~~—1. Opening~~
- ~~—2. Flexible Foam Urethane Ring .625 Inches Thick~~
- ~~—3. 1 Inch Wide Adhesive Tape Strip 9 Mils Thick, Attached to the Outer Section~~
~~—of the 1.25 Inch Wide Urethane Foam Ring~~
- ~~—4. Inner Area of the Ring Mute Showing the .25 Inch Deep Incision~~

REPLACEMENT SHEET

(h) DETAILED DESCRIPTION OF THE INVENTION.

The present invention is a non adjustable, non resonating device for dampening the sound of a brass musical instrument by the use of a sound absorbing, open cell, flexible, urethane foam, which is formed into a ring and placed on the bell rim of a brass musical instrument without the use of screws or wires for attachment.

With references to Figures One through Four, the present invention is shown. The present invention 6 is shown with the urethane foam body 5 with an incision 3 fitted onto the bell rim 4 of a brass musical instrument 1. Protective adhesive tape 2 is shown encircling the outer portion of the urethane foam body 5.

Mute 6 is shown from three different angles without the brass musical instrument 1 showing the .25 inch deep incision 3 and the .625 inch by 1.25 inch dimensions of the open cell urethane foam body 5 and the 1 inch wide protective adhesive tape 2 with the thickness of 9 mils.

Mute 6 is shown from a frontal angle placed on a brass musical instrument 1. From this angle, the urethane body 5 and the protective adhesive tape 2 are shown.

Mute 6 is shown from a rear angle placed on a brass musical instrument 1. From this angle the urethane body 5 and the protective adhesive tape 2 are shown.

Thus, it is amply demonstrated that the present invention is not comprised of a resonating body nor does it require screws or wires for attachment onto the bell rim of a brass musical instrument. Instead, the present invention is comprised of a

sound absorbing or dampening material (As defined by American National Standards Institute (ANSI) S1.1-1994 Acoustical Terminology) shaped into a ring and placed onto the bell rim of a brass musical instrument. By the use of a non adjustable sound proofing ring made of flexible, open cell, urethane foam (Which by definition is commonly used for sound proofing. ChemIndustry.Com) placed on the bell rim of a brass musical instrument, the sound of the brass musical instrument is dampened. Also, bell design will vary greatly from one type of brass musical instrument to a different type of brass musical instrument, for example the difference between a trombone and a tuba. This will require the dimensions of the present invention to vary in accordance with the instrument to which it is being applied. In addition, bell design can vary from trumpet to trumpet (A Quick Look At Bell Vibrations, IGT, Oct. 2001) requiring possible variations in the present invention. However, the variations in foam ring dimension and the type of sound absorbing foam used will not result in any loss in the spirit or intent of the present invention to absorb the sound of a brass musical instrument. Thus, the amount of sound that is absorbed or dampened is dependent on the dimensions and the type of foam used (American Micro Industries, Inc.).

DELETED REPLACEMENT SHEET

~~(h) DETAILED DESCRIPTION OF THE INVENTION.~~

~~—The present invention (ring mute) is comprised of a flexible foam urethane ring 1.25 inches wide and .625 inches thick with an incision .25 inches deep extending the entire inner circumference of the invention. A non porous adhesive tape strip 1 inch wide and 9 mils thick encircles the entire outer area of the foam ring which helps protect the ring from damage (See Drawings).~~

DELETED SHEET

~~DESCRIPTION OF RELATED ART~~

~~—Conventionally, if a brass musician (for example trumpet player) wanted to express a round, smooth, smoky sound from an instrument, generally two avenues were taken. Purchase a vintage trumpet (The Martin Company Committee B-flat Trumpet) which tends to have a smooth, rounded, smoky sound due to materials and design. The famous trumpet player Miles Davis who used the Martin Company Committee B-flat Trumpet would be an excellent example of the smooth, rounded, smoky sound), or use a flugelhorn.~~

~~—FIG. 1 Vintage trumpet from around the 1940-1950~~

~~—FIG. 2 Flugelhorn~~

~~—Although no mute on the market creates the sound of the ring mute, several mutes are available to assist the musician with added expressivity. All current mutes are designed to be placed into the bell of the brass musical instrument thus causing more air blow resistance and pitch change. Examples of such mutes are the Harmon mute, the straight mute and the cup mute.~~

~~—FIG. 3 Harmon mute~~

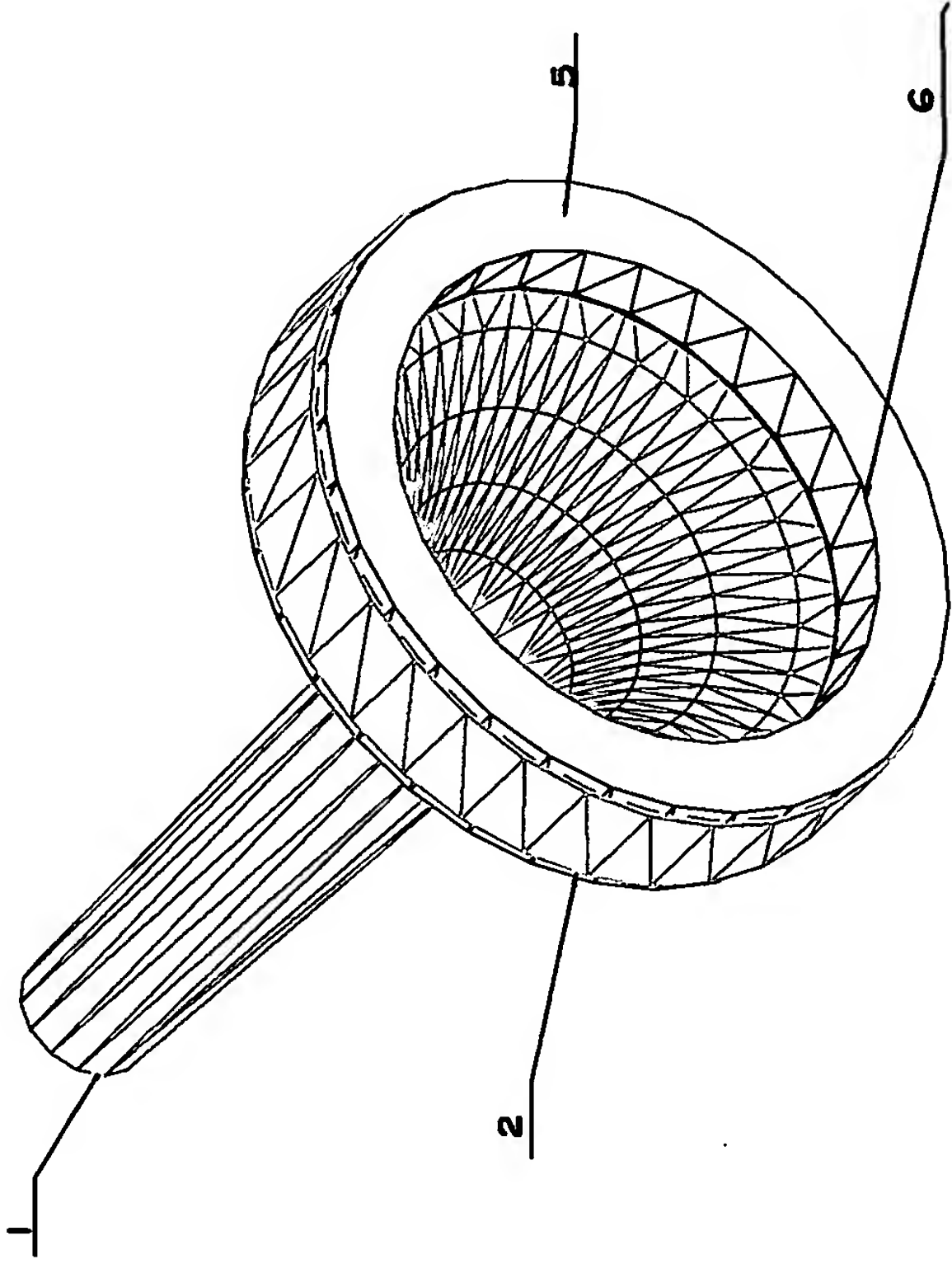
~~—FIG. 4 Harmon mute with brass instrument~~

~~—FIG. 5 Straight mute~~

~~—FIG. 6 Straight mute with brass instrument~~

~~—FIG. 7 Cup mute~~

~~—FIG. 8 Cup mute with brass instrument~~

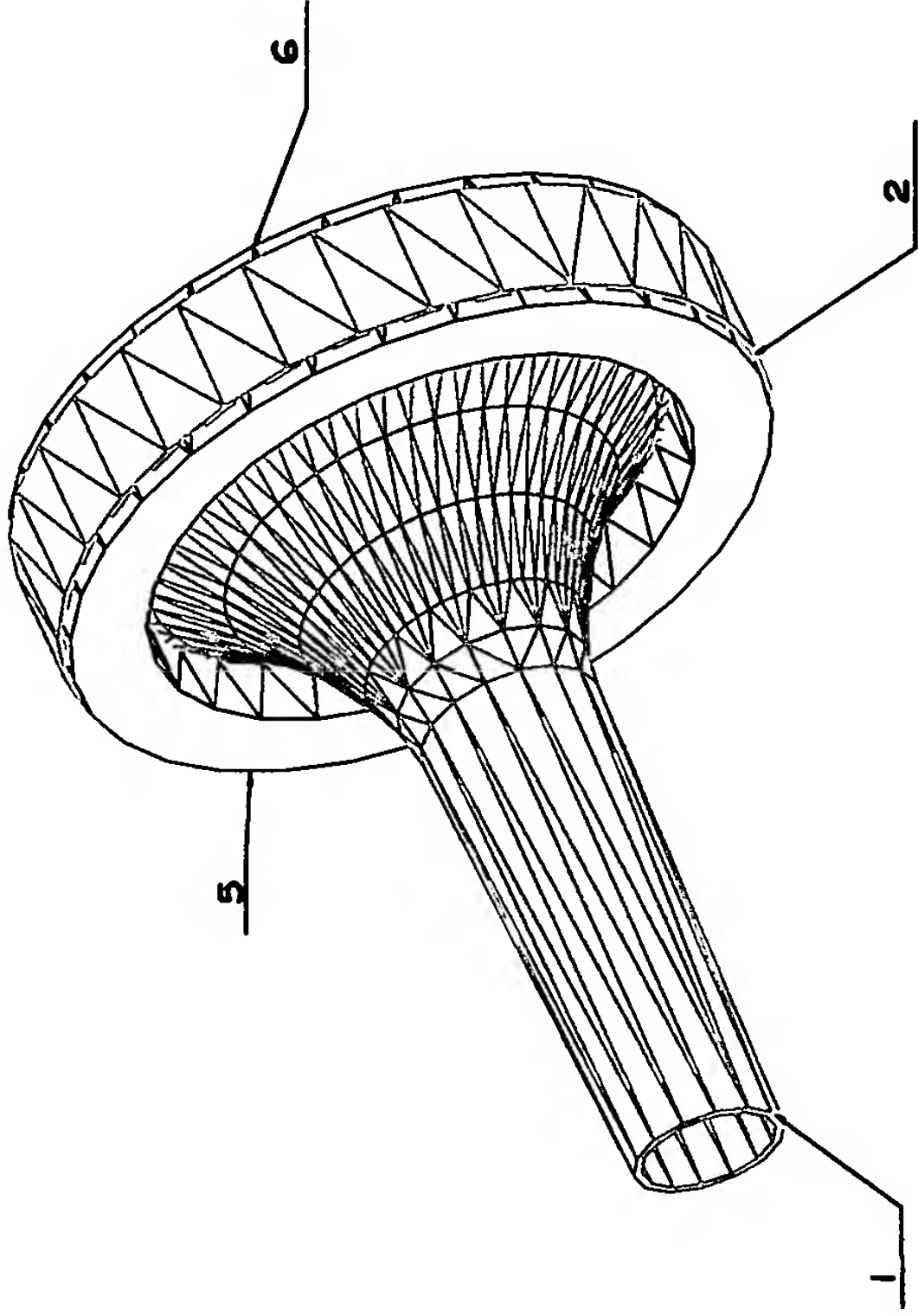


Legend	
1	Musical Instrument
2	Adhesive Tape '9ml.'
3	Incision
4	Bellrim
5	Urethane Body
6	Mute

Title --- Mute for Brass Instrument

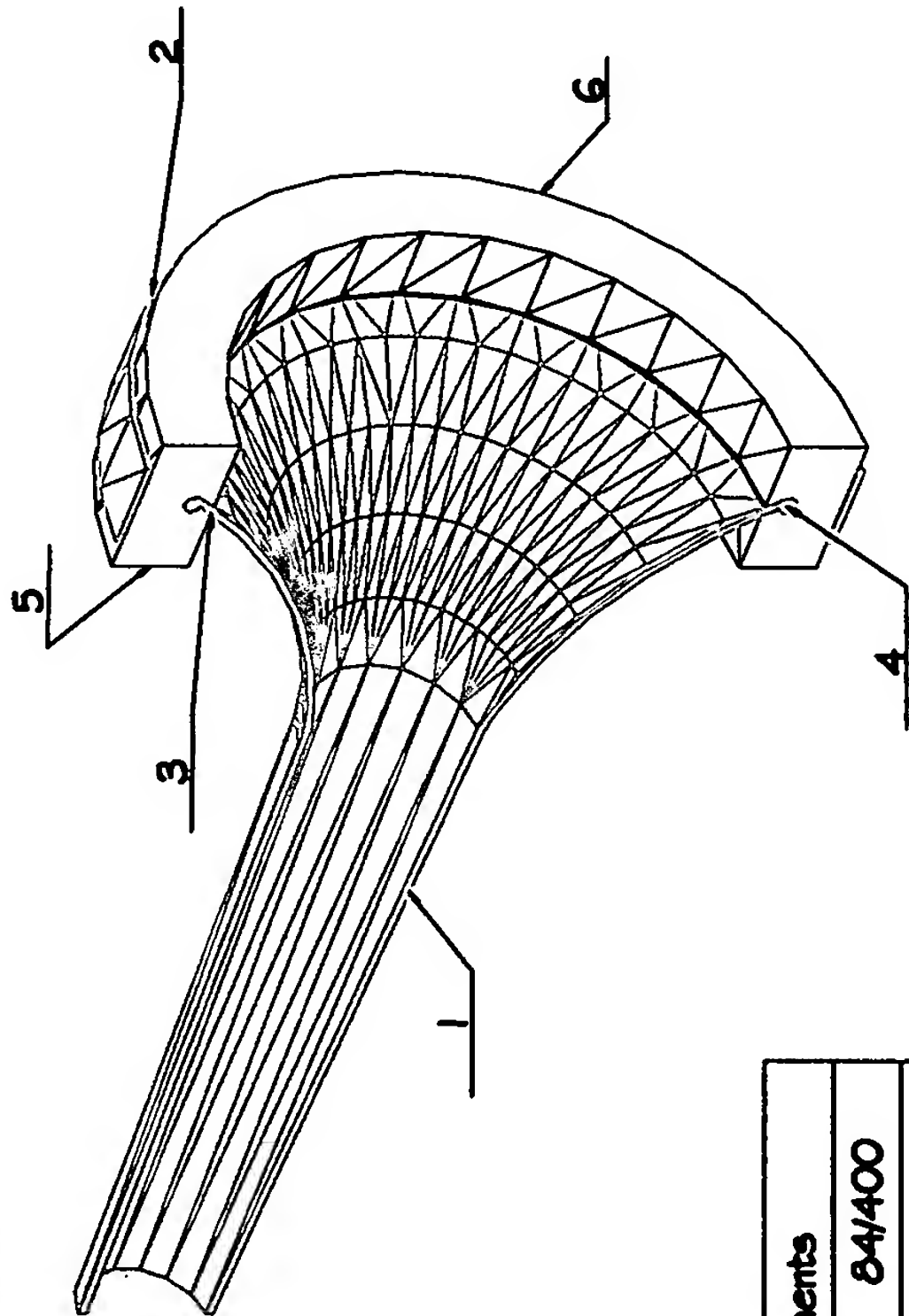
Figure: 3

Scale - Full Size / Drawn By: UTC



Legend	
1	Musical Instrument
2	Adhesive Tape "9ml."
3	Incision
4	Bellrim
5	Urethane Body
6	Mute

Inventor's: Mark M. Shellhammer, Ellen Jane Shellhammer
135 Hall St. Clarksburg, WV 26301
Control #: 10 / 601,536
Submitted June 2003
Field of Search 84 / 400,453



Legend	
1	Musical Instrument
2	Adhesive Tape "9ml."
3	Incision
4	Bellrim
5	Urethane Body
6	Mute

REPLACEMENT SHEET

ABSTRACT OF THE DISCLOSURE.

The present invention (ring mute) is a device comprised of a sound absorbent foam urethane ring with an incision encircling the inner section of the ring with an adhesive strip encircling the outer section of the ring to protect the foam ring from damage. The ring mute is designed to fit onto and around the rim of the bell of a brass musical instrument. The rim of the bell fits into the incision located in the inner section of the foam ring. The purpose of the ring mute is to dampen the sound of a brass musical instrument.

3 CLAIMS 4 DRAWINGS

References Cited U.S. Patent Documents			
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1508024	Sept., 1924	McArthur	84/400
1644272	Oct., 1927	Pinard	84/400
1741835	Dec., 1929	Ganther	84/453
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3299794	Jan., 1967	Ventura	84/400
3760679	Sept., 1977	Gossick, Et AL	84/400
4012983	March., 1977	Floeger	84/400
4632003	Dec., 1986	Kopp	84/400
4998959	March., 1991	Purdie	84/400

Foreign Patent Documents			
374187	April 1923	DD	84/400

Legend	
1	Musical Instrument
2	Adhesive Tape "9ml."
3	Incision
4	Bellrim
5	Urethane Body
6	Mute

